

Stipulation Regarding Litigation Deadlines and [Proposed] Order; Case No. C11-0818RS

1 Big O Tires, LLC (“Big O”), on the one hand, and Sonoma Tires, Inc. (“Sonoma”) and  
 2 John G. Rhiel, IV (“Rhiel”), on the other hand, (collectively, “Parties”) by and through their  
 3 respective undersigned counsel, hereby stipulate and jointly request that the Court issue an Order  
 4 as follows:

5 WHEREAS, at the previous case management conference, Plaintiff’s counsel represented  
 6 that Rhiel was working on a personal bankruptcy filing, and possibly a filing for Sonoma. (*See*  
 7 Dkt. # 93.)

8 WHEREAS, thereafter the Court issued a case management scheduling order permitting  
 9 Big O to conduct expert discovery beginning sixty days from the date of the order for a period of  
 10 two weeks. (*See* Dkt. # 95.) That expert discovery period opened on October 28, 2013 and  
 11 closes on November 11, 2013. The Court also set a further case management conference at the  
 12 conclusion of the expert discovery period on December 12, 2013. (*See id.*)

13 WHEREAS, Big O has served Plaintiff’s expert with document and deposition subpoenas  
 14 on October 29, 2013 and noticed the deposition of Plaintiff’s expert for November 11, 2013;  
 15 however, the parties have met and conferred and Plaintiff’s counsel has represented that Rhiel,  
 16 and possibly Sonoma, still intend to seek bankruptcy protection, that Rhiel continues to work  
 17 through issues related to the filing with separate bankruptcy counsel and, further, that Plaintiff’s  
 18 expert is not available on November 11, 2013 for his deposition.

19 WHEREAS, based on the foregoing, the parties jointly desire to continue the deadline for  
 20 Big O to complete expert discovery to January 31, 2014 to allow time for Rhiel and possibly  
 21 Sonoma to complete and file a bankruptcy petition before incurring costs of expert discovery.

22 WHEREAS, the parties further jointly desire to continue the case management  
 23 conference until February 13, 2014, or on such date thereafter that is convenient for the Court.

24 **IT IS THEREFORE STIPULATED AND JOINTLY REQUESTED** that:

- 25 1. The Court order that the November 11, 2013 deadline for Big O to complete  
 26 expert discovery be continued to January 31, 2014.
- 27 2. The December 12, 2013 case management conference be continued to February  
 28 13, 2014 or on such date thereafter that is convenient for the Court.

1           **IT IS SO STIPULATED.**

2  
3       Dated: November 6, 2013

SEYFARTH SHAW LLP

4           By           /s/ Joseph J. Orzano            
5                     Joseph J. Orzano  
6                     Attorneys for Big O Tires, LLC

7       Dated: November 6, 2013

LAGARIAS & BOULTER, LLP

8           By           /s/ Peter C. Lagarias            
9                     Peter C. Lagarias  
10                    Attorneys for Sonoma Tires, Inc. and  
11                    John G. Rhiel, IV

12                               ~~[PROPOSED]~~ ORDER

13           **PURSUANT TO STIPULATION, IT IS SO ORDERED,**

- 14           1.       The deadline for Big O to complete expert discovery is extended to January 31,  
15                     2014.
- 16           2.       The December 12, 2013 case management conference is continued to February  
17                     13, 2014 at 10:00 a.m. The parties shall file a Joint Case Management  
18                     Conference Statement at least one week prior to the Conference.
- 19           3.       All other deadlines remain unchanged.

20       Dated: 11/7/13

21                                 
22                               The Honorable Richard Seeberg

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